HOUSE BILL DRH30337-NDfa-39

Short Title:	Reallocate Certain Judicial Branch Resources.	(Public)
Sponsors:	Representatives Brody, Arp, and Horn (Primary Sponsors).	
Referred to:		

1   A BILL TO BE ENTITLED
2   AN ACT TO INCREASE THE MAXIMUM AMOUNT OF EMERGENCY SUPERIOR AND
3   SPECIAL SUPERIOR COURT JUDGES THAT MAY BE LISTED AS ACTIVE, TO
4   INCREASE THE MAXIMUM AMOUNT OF EMERGENCY DISTRICT COURT
5   JUDGES THAT MAY BE LISTED AS ACTIVE, TO EXPAND THE REASONS THAT
6   AN EMERGENCY JUDGE MAY BE ASSIGNED, AND TO REALLOCATE CERTAIN
7   DISTRICT COURT JUDGESHIPS TO MAKE MORE EFFICIENT USE OF COURT
8   RESOURCES.
9   The General Assembly of North Carolina enacts:
10   **SECTION 1.** G.S. 7A-52 reads as rewritten:
11 "**§ 7A-52. Retired district and superior court judges may become emergency judges subject**
12   **to recall to active service; compensation for emergency judges on recall.**
13   (a)   Judges of the district court and judges of the superior court who have not reached the
14 mandatory retirement age specified in G.S. 7A-4.20, but who have retired under the provisions
15 of G.S. 7A-51, or under the Uniform Judicial Retirement Act after having completed five years
16 of creditable service, may apply as provided in G.S. 7A-53 to become emergency judges of the
17 court from which they retired. From the commissioned emergency district, superior, and special
18 superior court judges, the Chief Justice of the Supreme Court shall create two lists of active
19 emergency judges and two lists of inactive emergency judges. For emergency superior and
20 special superior court judges, the active list shall be limited to a combined total of ~~10~~ 15
21 emergency judges; all other emergency superior and special superior court judges shall be on an
22 inactive list. For emergency district court judges, the active list shall be limited to ~~25~~ 35
23 emergency judges; all other emergency district court judges shall be on an inactive list. There is
24 no limit to the number of emergency judges on either inactive list. In the Chief Justice's
25 discretion, emergency judges may be added or removed from their respective active and inactive
26 lists, as long as the respective numerical limits on the active lists are observed. The Chief Justice
27 is requested to consider geographical distribution in assigning emergency judges to an active list
28 but may utilize any factor in determining which emergency judges are assigned to an active list.
29 The Chief Justice of the Supreme Court may order any emergency district, superior, or special
30 superior court judge on an active list who, in his opinion, is competent to perform the duties of a
31 judge, to hold regular or special sessions of the court from which the judge retired, as needed.
32 Order of assignment shall be in writing and entered upon the minutes of the court to which such
33 emergency judge is assigned. An emergency judge shall only be assigned in the event of a:
34   (1)   Death of a sitting judge.
35   (2)   Disability of a sitting judge.
36   (3)   Recall to active military duty of a sitting judge.

1	(4)	Retirement or removal of a sitting judge.
2	(5)	Court case-management emergency.
3	(6)	Assignment by the Chief Justice of a Rule 2.1 exceptional case to an
4		emergency judge.
5	(7)	Court coverage need created by holdover sessions, conflict case sessions, or
6		judicial administrative or educational responsibilities.

7   (a1)   ~~An~~ Notwithstanding subsection (a) of this section, an emergency judge of the superior
8   court may be recalled to active service by the Chief Justice and assigned to hear and decide
9   complex business cases if, at the time of the judge's retirement, all of the following conditions
10   are met:

11	(1)	The judge is a special superior court judge who is retiring from a term to which
12		the judge was appointed pursuant to G.S. 7A-45.1.
13	(2)	The judge is retiring from a term for which the judge was assigned by the
14		Chief Justice to hear and decide complex business cases as a business court
15		judge pursuant to G.S. 7A-45.3.
16	(3)	The judge's nomination to serve a successive term in the same office is
17		pending before the General Assembly, or was not acted upon by the General
18		Assembly prior to adjournment sine die.
19	(4)	If confirmed and appointed to the successive term of office for which
20		nominated, the judge would reach mandatory retirement age before
21		completing that term of office.

22   An emergency judge assigned to hear and decide complex business cases pursuant to this
23   subsection shall be designated by the Chief Justice as a senior business court judge and shall be
24   eligible to serve in that capacity for five years from the issuance date of the judge's commission
25   under G.S. 7A-53 or until the judge's commission expires, whichever occurs first. Order of
26   assignment shall be in writing and entered upon the minutes of the court to which such emergency
27   judge is assigned. An emergency judge assigned to hear and decide complex business cases shall
28   not be counted in the combined total of active emergency superior and special superior court
29   judges described in subsection (a) of this section.
30   ...."
31   **SECTION 2.** G.S. 7A-133(a) reads as rewritten:
32   "**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of
33   court, by counties.**
34   (a)   Each district court district shall have the numbers of judges as set forth in the
35   following table:

District	Judges	County
1	~~5~~4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	6	Craven
		Pamlico

1			Carteret
2	4	8̶9	Sampson
3			Duplin
4			Jones
5			Onslow
6	5	9̶8	New Hanover
7			Pender
8	6	4	Northampton
9			Bertie
10			Hertford
11			Halifax
12	7	7	Nash
13			Edgecombe
14			Wilson
15	8	6	Wayne
16			Greene
17			Lenoir
18	9	5	Granville
19			(part of Vance
20			see subsection
21			(b))
22			Franklin
23			Person
24	9B	2	Warren
25			(part of Vance
26			see subsection (b))
27	10A	3	(part of Wake
28			see subsection (b))
29	10B	3	(part of Wake
30			see subsection (b))
31	10C	3	(part of Wake
32			see subsection (b))
33	10D	6	(part of Wake
34			see subsection (b))
35	10E	3	(part of Wake
36			see subsection (b))
37	10F	3	(part of Wake
38			see subsection (b))
39	11	11	Harnett
40			Johnston
41			Lee
42	12	10	Cumberland
43	13	6	Bladen
44			Brunswick
45			Columbus
46	14	7	Durham
47	15A	4	Alamance
48	15B	5	Orange
49			Chatham
50	16A	4	Scotland
51			Anson

1			Richmond
2	16B	5	Robeson
3	17A	4	Caswell
4			Rockingham
5	17B	4	Stokes
6			Surry
7	18	14	Guilford
8	19A	5	Cabarrus
9	19B	5	Randolph
10	19C	5	Rowan
11	19D	4	Hoke, Moore
12	20A	3	Montgomery, Stanly
13	20B	~~1~~2	(part of Union
14			see subsection
15			(b))
16	20C	2	(part of Union
17			see subsection
18			(b))
19	20D	1	Union
20	21	11	Forsyth
21	22A	5	Alexander
22			Iredell
23	22B	6	Davidson
24			Davie
25	23	4	Alleghany
26			Ashe
27			Wilkes
28			Yadkin
29	24	4	Avery
30			Madison
31			Mitchell
32			Watauga
33			Yancey
34	25	9	Burke
35			Caldwell
36			Catawba
37	26A	3	(part of
38			Mecklenburg
39			see subsection (b))
40	26B	3	(part of
41			Mecklenburg
42			see subsection (b))
43	26C	2	(part of
44			Mecklenburg
45			see subsection (b))
46	26D	2	(part of
47			Mecklenburg
48			see subsection (b))
49	26E	3	(part of
50			Mecklenburg
51			see subsection (b))

1	26F	3	(part of
2			Mecklenburg
3			see subsection (b))
4	26G	2	(part of
5			Mecklenburg
6			see subsection (b))
7	26H	3	(part of
8			Mecklenburg
9			see subsection (b))
10	27A	7	Gaston
11	27B	6	Cleveland
12			Lincoln
13	28	7	Buncombe
14	29A	3	McDowell
15			Rutherford
16	29B	4	Henderson
17			Polk
18			Transylvania
19	30	6	Cherokee
20			Clay
21			Graham
22			Haywood
23			Jackson
24			Macon
25			Swain.

26 …

27 (b8) Subject to the provisions of this subsection, the qualified voters of District 4 shall
28 elect all nine judges established for District 4 in subsection (a) of this section, but only persons
29 who reside in Sampson County and otherwise meet the requirements to hold the office of district
30 court judge may be candidates for the one judgeship added to District 4 that begins on January
31 1, 2021, following elections in November of 2020.
32 (b9) Subject to the provisions of this subsection, the qualified voters of Union County shall
33 elect the one judgeship added to District 20B that begins on January 1, 2021, following elections
34 in November 2020."
35   **SECTION 3.** The district court judgeship taken from District 1 under Section 2 of
36 this act shall be transferred to District 4 to compose the judgeship added to District 4 under
37 Section 2 of this act. The judgeship transferred from District 1 to District 4 shall be the judgeship
38 currently held by Judge Barnes in District 1.
39   **SECTION 4.** The district court judgeship taken from District 5 under Section 2 of
40 this act shall be transferred to District 20B under Section 2 of this act. The judgeship transferred
41 from District 5 to District 20B shall be the judgeship currently held by Judge Ray in District 5.
42   **SECTION 5.** Section 1 of this act becomes effective October 1, 2019. Section 2 of
43 this act becomes effective January 1, 2021, and elections conducted in 2020 shall be conducted
44 in accordance with the judgeships transferred in Section 2 of this act. The remainder of this act
45 is effective when it becomes law.